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Title of Document Transmitted:	BRIEF OF APPELLANTS IN TRIPLICATE AND AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT NO. 09-0460 IN THE AMOUNT OF \$330.00 FOR BRIEF FILING FEE.
Applicants:	Terry Michael Bleizeffer et al.
Serial No.:	09/248,736
Filed:	February 11, 1999
Group Art Unit:	2177
Our Ref. No.:	ST9-98-029

Please charge all fees to Deposit Account No. 09-0460 of IBM Corporation, the assignee of the present application.

By: 

Name: Jason S. Feldmar

Reg. No.: 39,187

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Confirmation No.: 9147
Due Date: May 2, 2004IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Terry Michael Bleizeffer et al. Examiner: Khanh B. Pham
Serial No.: 09/248,736 Group Art Unit: 2177
Filed: February 11, 1999 Docket: ST9-98-029
Title: CREATION OF CUSTOMIZED TREES

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OFFICIALCERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on May 3, 2004.By: Jason S. Feldman
Name: Jason S. Feldman

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing or Transmission under 37 CFR 1.8.
- ☒ BRIEF OF APPELLANTS in triplicate.
- ☒ Charge the Brief of Appellants' Fee in the amount of \$330.00 to the Deposit Account.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

Please charge all fees to Deposit Account No. 09-0460 of IBM Corporation, the assignee of the present application. A duplicate of this paper is enclosed.

CUSTOMER NUMBER 22462

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Due Date: May 2, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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MAY 03 2004

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In re Application of:)

)

)

Inventors: Terry Michael Bleizeffer et al.)

Examiner: Khanh B. Pham

)

Serial #: 09/248,736)

Group Art Unit: 2177

)

Filed: February 11, 1999)

Appeal No.: _____

)

Title: CREATION OF CUSTOMIZED TREES)**BRIEF OF APPELLANTS****MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR §1.192, Appellants hereby submit the Appellants' Brief on Appeal from the final rejection in the above-identified application, in triplicate, as set forth in the Office Action dated May 2, 2004.

Please charge the amount of \$330 to cover the required fee for filing this Appeal Brief as set forth under 37 CFR §1.17(c) to Deposit Account No. 09-0460 of IBM Corporation, the assignee of the present application. Also, please charge any additional fees or credit any overpayments to Deposit Account No. 09-0460.

I. REAL PARTY IN INTEREST

The real party in interest is IBM Corporation, the assignee of the present application.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences for the above-referenced patent application.

III. STATUS OF CLAIMS

Claims 1, 3-22, 24-43, and 45-105 are pending in the application.

Claims 1, 3-22, 24-43, 45-77 were objected to for various informalities.

Claims 1, 3-22, 24-43, and 45-63 were rejected under 35 U.S.C. §112 as failing to comply with the written description requirement.

Claims 1, 3-22, 24-43, and 45-63 were rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson, U.S. Patent No. 5,842,218 A (Robinson) in view of Glasser et al., U.S. Patent No. 5,956,715 A (Glasser), and Cotugno et al., U.S. Patent No. 6,198,480 B1 (Cotugno).

Claims 64-77 were objected to as containing minor informalities but would be allowed if the informalities were corrected.

Claims 78-105 have been allowed.

The rejection of claims 1, 3-22, 24-43, 45-63 and 64-77 are appealed herein.

IV. STATUS OF AMENDMENTS

Subsequent to the final rejection, claims 1, 22, 43, and 64 were amended. These amendments merely corrected informalities based on the objections to the claims in the final Office Action. An Advisory Action mailed February 12, 2004 indicated that these amendments were entered.

V. SUMMARY OF THE INVENTION

Appellants' invention, as recited in independent claims 1, 22, 43 are generally directed to an invention that provides for the creation of a customized tree (see page 1, lines 10-11). In the context of the invention, a tree is a representation of a file system (see page 1, line 14). Accordingly, the invention is directed towards creating a customized representation of a file system.

The first step in the claims is for the creation of a filter (for selecting objects to be placed in

the tree) in response to user input. The filter specifies selection criteria to select objects to be contained within a selected object of/on a customized tree (see page 11, lines 12-23, page 14, lines 11-22, FIG. 7, FIG. 17). The claims then provide for saving the filter and the specified selection criteria (see page 11, lines 12-23, page 14, lines 11-22, FIG. 7, FIG. 17).

Objects from one tree are selected by a user by applying the filter (see page 11, lines 12-23, page 14, lines 11-22, FIG. 7, FIG. 17). The selected objects are located in disparate places across different branches of the original tree (see page 1, lines 26-28). Thereafter, the selected objects are linked to each other in the customized tree in a user-specified manner (see page 2, lines 10-11). Further, the claims provide that security restrictions for accessing the selected objects are defined using the customized tree (see page 8, lines 13-22)). Thus, as claimed, filters for creating a customized tree may be created and saved/stored for later modification.

VI. ISSUES PRESENTED FOR REVIEW

Whether the objections to claims 1, 22, 24-43, and 45-77 should be withdrawn.

Whether claims 1, 3-22, 24-43, and 45-63 comply with 35 U.S.C. §112.

Whether U.S. Patent No. 6,198,480 by Cotugno et al., is an invalid reference.

Whether claims 1, 3-4, 6-9, 11-16, 18-21, 22, 24-25, 27-30, 32-37, 39-42, 43, 45-46, 48-51, 53-58, and 60-63 are patentable under 35 U.S.C. §103(a) over Robinson, U.S. Patent No. 5,842,218 A (Robinson) in view of Glasser et al., U.S. Patent No. 5,956,715 A (Glasser), and Cotugno et al., U.S. Patent No. 6,198,480 B1 (Cotugno).

Whether claims 5, 26, and 47 are patentable under 35 U.S.C. §103(a) over Robinson in view of Glasser and Cotugno.

Whether claims 10, 31, and 52 are patentable under 35 U.S.C. §103(a) over Robinson in view of Glasser and Cotugno.

Whether claims 17, 38, and 59 are patentable under 35 U.S.C. §103(a) over Robinson in view of Glasser and Cotugno.

VII. GROUPING OF CLAIMS

The rejected claims do not stand or fall together. The following claim groups are

independently patentable.

Claims 1, 3-4, 6-9, 11-16, 18-21, 22, 24-25, 27-30, 32-37, 39-42, 43, 45-46, 48-51, 53-58, and 60-63 stand or fall together.

Claims 5, 26, and 47 stand or fall together.

Claims 10, 31, and 52 stand or fall together.

Claims 17, 38, and 59 stand or fall together.

Separate arguments for the patentability of each claim group are provided below.

VIII. ARGUMENTS

A. Objections to Claims 1, 22, 24-43, and 45-77 Should be Withdrawn

Paragraph 2 of the final Office Action objected to independent claims 1, 22, 43, and 64 for various informalities. Appellants amended these claims subsequent to the final Office Action to correct these informalities. In view of these amendments, Appellants submit that the objections should be withdrawn.

Page 9 of the Office Action provides that "claims 64-77 are objected to for minor informality but would be allowed if the informality were corrected." Appellants assume that the objection was solely based on the objection to claim 64 in paragraph 2 of the Office Action which has been corrected. Additional objections were not apparent in the final Office Action. Accordingly, Appellants request withdrawal of the objections.

B. Claims 1, 3-22, 24-43, and 45-63 Comply with 35 U.S.C. §112

Claims 1, 3-22, 24-43, and 45-63 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, claims 1, 3-22, 24-43, and 45-63 were rejected as follows:

Claims 1, 3, 22, 24-43, 45-63 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claims 1, 22, and 43 contain the limitation: "saving the filter and the specified selection criteria", which was not described in the specification. In the remark section of Applicant's Amendment dated October 21, 2003, page 17, Applicant relied on Fig. 17 and page 14, lines 11-22 of the specification to support this limitation. However, Fig. 17 shows an user interface for defining a filter but does not provide any mechanism to save "the filter and the specified selection criteria" as

claimed. The text portion at page 14 lines 11-22 recites: "The changes would have to be saved, for example, with the "save" action 1411, and the contents of the object which had been select 1607, may change as appropriate". However, this "save" action is for saving the tree objects (i.e., object 1607 is "All JONES Tables", see Fig. 16), not the filter. Applicant Specification, page 14, lines 1-4 also teaches: "Additionally, to save a new customized tree or changes to an existing customized tree, a user would select "Save" 1411 or "Save as" 1413 from the pull down menu, as illustrated in FIG. 14. The tree would then be saved as a file either on a user's workstation or on a server". Thus, the subject matter "saving the filter and the specified selection criteria" was not described in the specification. Claims 1, 3-22, 24-43, 45-63 are therefore rejected.

Appellants respectfully disagree with and traverse the above rejections. The specification page 11, lines 12-23 provides:

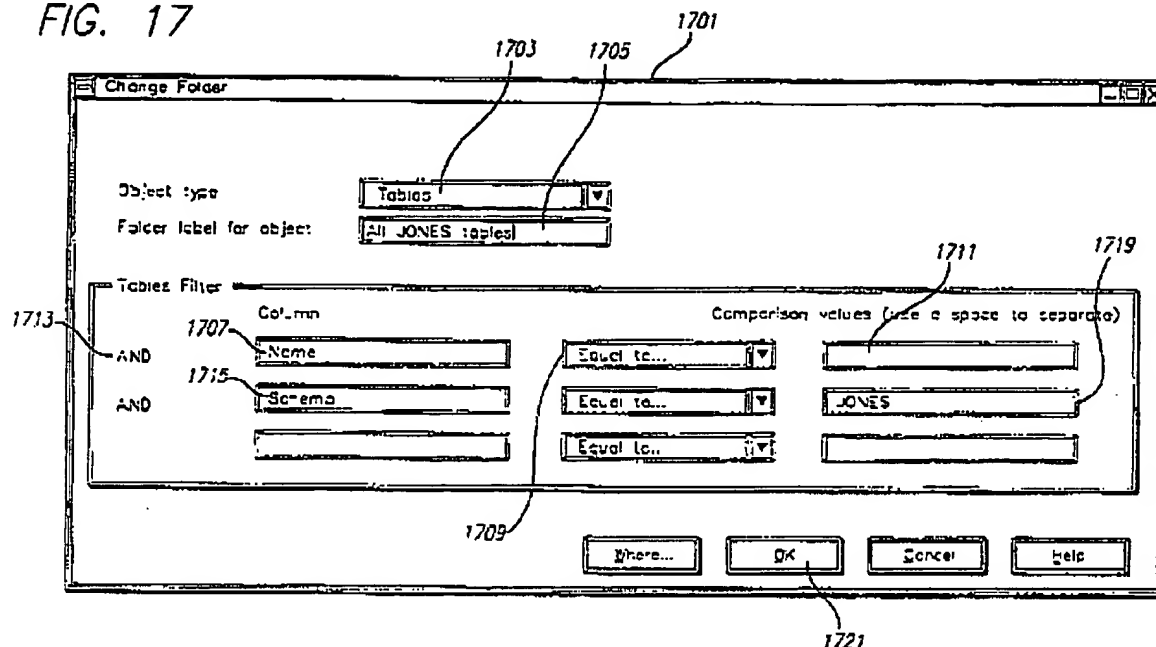
Filter criteria is used to determine objects to be contained within one of the objects of the customized tree, for example, the root object. For example, filter criteria may be used to determine which tables are to be contained in the DSN1 folder object. Once a filter has been created, if the tables upon which the filter is applied change, the filter automatically modifies the customized tree to reflect the changed tables upon receiving, for example, a REFRESH command, which refreshes the screen. In one example of a selection criteria technique, if a folder is created with Jones tables according to this example, when additional Jones tables are added, the additional Jones tables are included in the folder. However, one skilled in the art would recognize that other selection criteria techniques may be used with the principles of the present invention. When a user is satisfied with the filter which has been created, the user may lock in the values by clicking "OK" 723.

Additionally, page 14, lines 11-22 provides:

FIG. 17 illustrates a Change Folder window 1701, generated by the customized tree creator 118, that is displayed in response to a "Change" action. The Change Folder window 1701 is the same as the Add Folder to Tree window 1201, except that the window reflects the selections previously made. In the present example the object type field is table 1703, and the Folder label for object field 1705 is "ALL JONES Tables". The filtering criteria 1707, 1709, 1711, 1713, 1715, and 1719 may be changed by the user if a different criteria is desired. The user makes changes desired and those changes take effect when the user clicks on the "OK" button 1721. The changes would have to be saved, for example, with the "Save" action 1311 and the contents of the object which had been selected 1607, may change as appropriate. The changed contents will then be reflected in the contents of the folder as displayed in the right subwindow when the object is selected, e.g. subwindow 1609.

FIG. 17 provides:

FIG. 17



As indicated in the above cited portions, the change folder window 1701 of FIG. 17 is the same as the add folder to tree window 1201 of FIG. 12 "EXCEPT that the window reflects the selections previously made". In this regard, the "selections previously made" are the filtering criteria as claimed and described on page 11. The paragraph on page 14 then continues and states that the user may change the filtering criteria 1707, 1709, 1711, 1713, 1715, and 1719 if a different criteria is desired. In this regard, if previously selected filtering criteria were not saved and stored, there would be nothing to change. Instead, the user would merely be creating new filtering criteria every time. The concept and use of storing such filter criteria is further provided by the paragraph on page 11 that provides for clicking "OK" to lock in the values.

The Office Action recites the description of FIG. 14 and the use of the save function. However, FIG. 17 indicates the retrieval of a previously saved filter and the ability to change the filtering criteria. Such filtering criteria are originally specified in an Add Folder window (see FIG. 7) which is saved when the user clicks "OK". Accordingly, the recitation of FIG. 14 and the language referring to the use of the "Save" command is irrelevant with respect to the filtering criteria.

Accordingly, Appellants submit that FIG. 7 illustrates the creation of a filter with filtering criteria that is stored. The storage of such filtering criteria is further enforced with the use of FIG. 17 that clearly provides for displaying previously stored/selected filtering criteria. Thus, the specification does provide support for the claims in the current form. In view of such support, Appellants respectfully request withdrawal of the rejection under 35 USC 112.

In response to the above previously asserted arguments, the Advisory Action provides:

Regarding the rejection under 35 U.S.C. 112, applicant argued that the specification provides support for the limitation "saving the filter and the specified selection criteria". However, applicant's argument only direct to "saving the specified selection criteria", but not "saving the filter" as claimed. Since "the filter" and "the specified selection criteria" are two different entities, applicant's specification only describes saving "the specified selection criteria" with the objects, but does not describe "saving the filter" as a separate entity. The rejection under 35 U.S.C. 112 1st paragraph is hereby sustained.

Appellants respectfully disagree with the statements in the Advisory Action. Again, the language quoted above on page 11, lines 12-23 specifically refers to filter criteria and the creation of a filter:

...For example, filter criteria may be used to determine which tables are to be contained in the DSN1 folder object. Once a filter has been created, if the tables upon which the filter is applied change, the filter automatically modifies the customized tree...

The same paragraph on page 11, lines 12-23 continues and states:

...When a user is satisfied with the filter which has been created, the user may lock in the values by clicking "OK" 723.

Consistently in the specification, filter criteria are part of a filter that has been created and saved. In this regard, the windows illustrated in both FIGS. 7 and 17 (and as described on pages 11 and 14) are filters containing various filter criteria. In fact, as used in the specification and as can be specifically seen in FIG. 7 (as item 707) and FIG. 17, there is a portion in FIG. 17 that is labeled "Tables Filter". The table filter information 707 is further described on page 11, lines 1-11 (previously amended)(emphasis added):

The folder label 705 can be used to distinguish between multiple folders enclosed in another folder. The folder label 705 may also provide an indication of the filter which is applied to the object. The Add Folder to Tree window 701 also enables a user to provide table filter information 707. The Illustrated fields 709, 711, and 713 illustrate example criteria for a filter. A criteria is entered in field 709, then field 711 is used to specify how the criteria is to be compared with the comparison values in field 713. In the next line, the Schema 717 is checked via the technique of comparison chosen 719, for equality, to the comparison value Jones in field 721 which is set equal to JONES. The comparison criteria may be ">", "<>", "<" or any other of those well known in the art. In addition, compound filters may be created through Boolean logic comparisons, such as 715.

The filter criteria are within the "Tables Filter". Accordingly, Appellants submit that to state that the specification, that specifically refers to and describes the filter and filter criteria on pages 11 and 14, only describes "the specified selection criteria" is improper and wholly without merit.

Accordingly, in view of the above, Appellants respectfully request that reversal of the rejection based on 35 U.S.C. §112.

C. Cotugno is an Invalid Reference

Appellants submit that Cotugno is not valid prior art with respect to the present invention. Specifically, Cotugno was filed on January 29, 1999 and claims priority to a provisional application dated October 7, 1998. However, the present invention is based on a provisional application that provides a priority date of April 10, 1998. Clearly, the April 10, 1998 priority date of the present invention is prior to the October 7, 1998 date of Cotugno. Accordingly, Cotugno is not valid prior art with respect to the present invention. In addition, the provisional application provides adequate support for the claims.

In response to previously submitted arguments (similar to that above), the Advisory Action provides:

Regarding the Cotugno reference, (US 6,198,480 B1), applicant argued that Cotugno is not valid prior art by relying on the priority date of the provisional application. However, the Cotugno reference is used only to reject the limitation "saving the filter and the specified selection criteria", and the provisional application does not provide support for this limitation as required by 35 U.S.C. 112 first paragraph, the present application does not qualify for the priority date with respect to this limitation. The Cotugno reference is therefore a valid prior art. In light of the above argument, the 103 rejection are hereby sustained.

Appellants respectfully disagree with the Patent Office's assertions regarding the lack of support in the provisional application. In fact, FIGS. 6 and 16, of the provisional application are duplicates (without labels) of FIGS. 7 and 17 respectively (of the present application). Further, page 8 lines 4-14 of the provisional application provides:

FIG. 6 illustrates an Add Folder to Tree window that is displayed in response to selection of the "Add folder to tree..." action. In the Add Folder to Tree window, an object type box is provided. The object types include tables, storage groups, tablespaces, etc. Additionally, a folder label box is provided. A folder label is a name for a folder, which, in FIG. 6 is "All JONES tables". The folder label distinguishes between multiple folders enclosed in another folder. The folder label may also provide an indication of the filter. The Add Folder to Tree window also enables a user to provide

table filter information, such as the Schema, which in FIG. 6 is set equal to JONES. This is filter criteria for determining which tables are to be contained in the DSN1 folder object. If a folder is created with Jones tables, when additional Jones tables are added, the additional Jones tables are included in the folder.

Thus, in view of the above paragraph, there is ample support in the provisional for both filters and filter criteria as claimed. Such language not only provides the ability to claim priority to the filing date of the provisional but provides further support for the present claims since the language is incorporated by reference in the present application (see page 1, lines 3-6 of the present specification).

In addition, page 10, lines 4-8 of the provisional application provides the following:

FIG. 16 illustrates a Change Folder window that is displayed in response to a "Change..." action. The Change Folder window is the same as the Add Folder to Tree window, except that the window reflects the selections previously made. The user makes changes to the window and those changes take effect when the user clicks on the "OK" button. The changes would have to be saved, for example, with the "Save" action.

Such language provides further support for the present claims, specification, and ability to claim priority. In view of the above, Appellants submit that the present application does qualify for the priority date for the limitation described above. Accordingly, Cotugno is not valid prior art and the rejection under 35 U.S.C. §103 should be withdrawn.

D. Claims 1, 3-4, 6-9, 11-16, 18-21, 22, 24-25, 27-30, 32-37, 39-42, 43, 45-46, 48-51, 53-58, and 60-63 are Patentable over the Cited Art

In paragraphs (1)-(2) of the Office Action, claims 1, 3-22, 24-43, and 45-63 were rejected under 35 U.S.C. §103(a) as being unpatentable over Robinson, U.S. Patent No. 5,842,218 A (Robinson) in view of Glasser et al., U.S. Patent No. 5,956,715 A (Glasser), and Cotugno et al., U.S. Patent No. 6,198,480 B1 (Cotugno).

Specifically, claim 1 was rejected as follows:

As per claim 1, Robinson teaches a method of creating a customize tree in a computer from a original tree comprising:

- "Creating a filter in response to user input, wherein the filter specifies a selection criteria to select objects to be contained within a selected object on the customized tree" at Col. 3 line 60 to Col. 4 line 8 and Figs. 8 and 18B.
- "selecting one or more objects on the original tree to be contained in the customized tree in response to user input by applying the filter, wherein the one or more objects are

located in disparate places across different branches of the original tree" at Col. 3 lines 34-54 and Figs. 11-16;

- "linking the selected objects from the disparate places to each other in the customized tree in a user-specified manner" at Col. 3 lines 34-54 and Figs. 11-16.

Robinson does not teach the step of "saving the filter and the specified selection criteria". However, Conugno teaches a similar method for defining a filter applied to a hierarchical tree structure including the step of: "saving the filter and the specified selection criteria" at Col. 47, lines 60-67. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Robinson and Conugno's teaching so that the filter can be reused later.

Robinson and Conugno do not teach the step of: "defining security restriction for accessing the selected objects using the customized tree". However, Glasser teaches a method of defining security restriction for a portion of a hierarchical tree structure (Col. 2, lines 13-33 and Fig. 4) includes the step of: "defining security restriction for accessing the selected objects using the customized tree" at Col. 8, lines 10-40 and Figs. 5, 6B. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Robinson and Conugno's method to include the step of "defining security restriction..." in order to allow user to change access permission to a portion of the tree structure; and, as indicated by Glasser, "provides a streamlined user interface that insulates the user from the complexities in making these change" and "perform access controls inheritance automatically. The user need not be concerned with distinctions between explicit and implicit access controls or the intricacies of the inheritance and propagation logic" (Col. 3 lines 15-10).

Appellants traverse the above rejections.

Robinson merely describes a method computer program product, and system for a reorienting categorization table. A control interface is used to select the hierarchy of categorization levels for a categorization table into a quantity of data records. Once the user selects the desired hierarchy, the categorization table will reorient itself into the chosen categorization level hierarchy with the records in their appropriate locations. This allows more flexibility and a more efficient mechanism for putting the data into a desired organization. The user may reorient the categorization table as desired using the control interface. Robinson finds particular usefulness in a database browser wherein the database is queried for potential records according to both a desired categorization level hierarchy and constraints on the potential categorization level values within one or more of the categorization levels. In effect, this filters the records so that a selection categorization table (capable of reorientation) is created with a manageable number of pertinent and relevant data records indicated therein from the results of the query. From there, records are selected to be placed in a retrieval categorization table (also capable of reorientation). Record references may be switched back and forth between the selection categorization table and the retrieval categorization table until a final set of references indicating desired records is attained. The

references for the final set of records is used to make the actual record retrieval for processing each of the entire records or a portion thereof (see Abstract).

However, Robinson lacks any discussion about filters that specify selection criteria for selecting objects. Further, Robinson lacks any discussion about saving the filters so that the selection criteria can be edited at a later time/date. Robinson merely refers to actually selecting a subset of values for particular categorization levels that thereby act as a "filter" (in name only) to narrow down the records to fewer records (see col. 10, lines 38-49). In this regard, Robinson actually places quotes around the term "filter" to indicate that the described steps merely act as a filter. Robinson completely fails to describe or allude to creating an actual filter that is saved. In the present invention, since the filter is actually saved, the filtering criteria may be retrieved at a later time, changed, and saved again (see FIG. 17, and page 14, lines 11-22 of the present specification). Thus, the present invention provides flexibility with respect to filter use and filtering criteria that is not available, described, or suggested, implicitly or explicitly in Robinson.

The prior Office Actions relied on Robinson col. 3, line 60 to col. 4, line 8 to reject this claim language:

...The purpose of such subdivision is to allow the user to "filter" the categorization table values for each applicable categorization level.

Not only does the filtering of the categorization level values reduce the size and complexity of the categorization table, the selected categorization level values are also used as limiting criteria in making a database query. The result set of records fitting the described query are then organized and viewed in categorization table format according to the user selected categorization level hierarchy. It may be noted that the entire set of records is not retrieved, just that portion used to make the categorization table. In this manner, only that minimum amount of information is retrieved from the database to make a useful categorization table having a manageable number of entries according to user desire.

The above-cited portions are within Robinson's Summary of the Invention. The details regarding such support is in col. 10, lines 38-49:

FIG. 8 shows operation of the control interface 124c to select a certain subset of all the potential values for particular categorization levels in order to "filter" through the many records potentially available in order to narrow down to fewer records for the reorienting categorization table use for actually selecting records. The desired selection categorization hierarchy was established as shown in FIG. 7 and the control interface of 124c of FIG. 8 indicates that the marker categorization level and the medium categorization level can be expanded to show subsets thereof. A corresponding screen shot of an actual implementation is shown in FIG. 11 for Example A and FIG. 17 for Example B.

By reviewing both of these sections, it may be seen that Robinson refers not to the creation of an actual filter with selection criteria (as claimed) but merely selecting a subset of values for a categorization level to "filter" through many records potentially available. In this regard, a filter (as claimed) is not taught or suggested. Further, Robinson completely fails to provide for saving such a filter.

These above arguments were asserted in response to a first Office Action. The final Office Action addressed Appellants' prior comments as follows:

Applicant's arguments filed October 21, 2003 have been fully considered but they are not persuasive. The Examiner respectfully traverses applicant's arguments.

Applicant argued that Robinson does not teach the limitation: "creating a filter in response to user input, wherein the filter specifies a selection criteria to select object to be contained within a selected object on the customized tree". On the contrary, Robinson teaches this limitation at Fig. 18B reproduced below...

In Fig. 18B, Robinson teaches the step of creating a filter in response to user input, wherein only the category selected by the user (i.e., "Boston, MA", "New York, NY", and "Washington, DC") are included in the customized tree (See Fig. 8 reproduced below)...

This step is similar to applicant step described in Fig. 17, in which columns of the tables are selected to be included in the customized tree based on their value.

Appellants respectfully disagree with and traverse such assertions. As claimed, an actual filter (for the selection criteria for the objects to be contained within a selected object on a customized tree) is created and saved. In the present claims, the term filter is not a verb or the process of filtering. Instead, a filter is created and saved. In this regard, the filter is an entity. Thereafter, as set forth in the claims, the filter may be applied. In Robinson, no such filter is created. Instead, various marker categories are merely selected (see FIG. 18B) and a selected categorization table is produced (see Fig. 8). FIG. 18B provides:

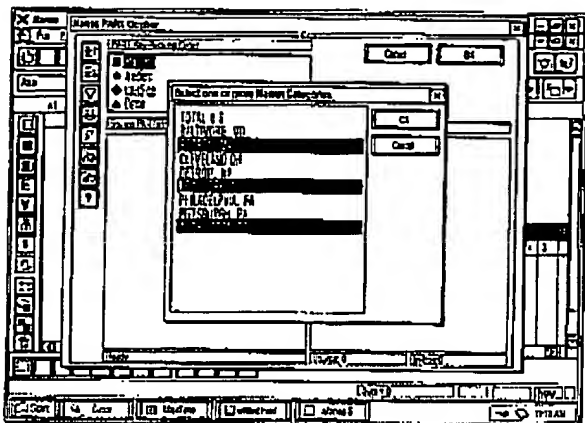


FIG. 18B

As can be seen by the above language and FIG. 18B, Robinson fails to teach the creation of a filter and instead teaches a filtering process or a selection process. The textual support for such a conclusion lies in Robinson col. 10, lines 38-49 (quoted above).

Thus, contrary to that asserted in the Office Action, Robinson does not provide for the filter of the present invention and thereby fails to teach, disclose, or suggest various elements of the present claims.

In response to the above assertions, the Advisory Action merely provides:

Applicant's argument have been carefully considered but are not persuasive. The examiner respectfully traverses applicant's argument.

Again, Robinson does not disclose, teach, or suggest, a filter or selection criteria as claimed, as set forth in the specification, or as set forth in the drawings. Instead, Robinson describes a filtering process that does not even remotely refer to the various limitations of the independent claims.

In addition to the above, Appellants submit that Cotugno cannot be combined with Robinson as suggested in the Office Action. While Appellants acknowledge that one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references, the claimed invention must also be examined as a whole and whether the "whole" claimed invention would have been obvious at the time of invention (see MPEP §2142). In addition, under MPEP §706.02(j) "there must be some suggestion or motivation, either

in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings."

Neither Robinson nor Cotugno provide such motivation. Further, the Office Action has not presented any motivation or suggestion, either in the references or in knowledge generally available that either the Robinson or Cotugno reference should be modified or combined with each other. Instead, the Office Action merely provides that "it would have been obvious to one of ordinary skill in the art at the time of the invention was make to combine Robinson and Cotugno's teaching so that the filter can be reused later. However, such a statement merely describes Cotugno's teaching for saving and reusing a filter. There is no suggestion that a filter should be created, saved, or otherwise in Robinson at all. Nor is there an expressed motivation to combine Cotugno with Robinson.

As stated above, Robinson merely describes a filtering process and not the creation or saving of a filter. Thus, Robinson does not even allude to nor suggest a motivation to add Cotugno.

Additionally, there is no motivation in Cotugno to add or combine with Robinson. Cotugno does not suggest customized trees or the benefit of using customized trees whatsoever. Instead, Cotugno merely addresses how to filter sensing and control devices. In this regard, the Office Action fails to address where the motivation to add the filtering from Cotugno to the customized trees of Robinson exists, implicitly or explicitly. Appellants submit that there is no such motivation either in the references or to one generally skilled in the art.

Also, Cotugno is related to industrial automation and control systems and software for identifying and viewing representations of sensing and control device included within such systems (see col. 1, lines 11-15). Such an application is not related to that of Robinson - which provides for a method of viewing a quantity of data records in an organized fashion so as to enable location of desired data (see col. 1, lines 8-16). In this regard, industrial automation and control systems software are not related to data record organization software. There is not motivation in either reference that suggests or indicates that a combination would be useful or desirable with a reference in an unrelated field of art.

In addition, to the above, Appellants submit that Cotugno fails to teach the claimed step of creating a filter. As claimed, the element provides that the filter specifies selection criteria to select

objects to be contained within a selected object on the customized tree. Cotugno does not provide for any customized tree or the ability to filter an tag to be within another tag in such a tree. Instead, as can be seen in Cotugno's FIGS. 11, 15, 20, and 21 there is no customized tree structure resulting after a filter has been created. Instead, items may merely be selected to be placed in a flat list without any structure. Thus, while Cotugno's filter may provide for a customized list of tags, the customized list is not organized in a tree structure. Further, none of Cotugno's filtered tags are within or contained within a selected object on a customized tree.

In view of the above, Appellants assert that Cotugno clearly fails to teach numerous steps of the invention as claimed including teaching the element for which the Office Action relies on Cotugno.

In addition, the various elements of Appellants' claimed invention together provide operational advantages over the systems disclosed in Robinson, Glasser, and Cotugno. Further, Appellants' invention solves problems not recognized by Robinson, Glasser, and Cotugno.

Thus, Appellants submit that independent claims 1, 22, and 43 are allowable over Robinson, Glasser, and Cotugno. Appellants further submit that claims 3-4, 6-9, 11-12, 14-16, 18-21, 24-25, 27-30, 32-33, 35-37, 39-42, 45-46, 48-51, 53-54, 56-58, and 60-63, being dependent on independent claims 1, 22, and 43 are also in condition for allowance.

E. Claims 5, 26, and 47 are Patentable over the Cited Art

These dependent claims provide that if objects selected by a filter change, the customized tree is automatically updated to reflect the changed objects. In rejecting these claims, the final Office Action provides:

As per claim 5, Robinson, Cotugno and Glasser teach the method of claim 1 as discussed above. Robinson also teaches: "if the objects to be selected by the filter change, the customized tree is automatically updated to reflect the changed objects" at Col. 9, lines 39-53.

Col. 9, lines 39-53 provide:

Assuming valid category level at step 116, a test is made at step 118 to determine whether the value at this particular category level for the table vector is equivalent to the value at this particular category level for the terrace vector. If the values are equal, then this is duplicate information and the processing will loop back to step 114 in order to get the next category level. If the values are different, this signifies that the categorization table needs to use the information found in the table vector at that particular categorization level to create a heading or subheading. The categorization table is updated using this value at step 120, and this may require using the table vector and category level to

access a table data object, a category level data object, and finally, the category level value object that will contain the string information for placement into the categorization table.

This text merely indicates that a categorization table is updated if a category level for a table vector is equivalent to a category level for a terrace vector. Such language (and the remainder of Robinson [and the other references]) fail to indicate whether an object has changed, whether the object (that has changed) has been selected by a filter, and automatically updating a customized tree accordingly. Merely comparing category levels does not indicate any changes at all nor any use of filters as claimed.

In view of the above, Appellants assert that the above claims are in condition for allowance.

F. Claims 10, 31, and 52 are Patentable over the Cited Art

These dependent claims are dependent on claims 6, 27, and 48 respectively. Claims 6, 27, and 48 provide a further step of modifying the customized tree. Dependent claims 10, 31, and 52 further provide that the modifying step comprises the copying of an object from a first position in the customized tree to a second position in the customized tree.

In rejecting these claims, the final Office Action relies on Robinson col. 12, lines 25-45 which provides:

At step 148, the selection categorization table is displayed and may be manipulated through the user interface by a user. The user will expand and collapse headings and subheadings as appropriate in order to find those data items suitable for selection. Selection will typically occur by first marking the record through the user interface and then causing the record to be placed into a specific retrieval categorization table at step 150.

Furthermore, records may be switched back and forth between the selection categorization table and the retrieval categorization table according to the user's desires by using the user interface. This is a very helpful process since entire subtrees of records may be selected and placed into the retrieval categorization table and then those that are not desired can be individually selected and placed back into the selection categorization table. Additionally, using the control interface to reorient the selection categorization table and the retrieval categorization table allows different views into the record so that increasingly efficient methods of arriving at the final set of records for retrieval may be attained.

As can be seen in this cited portion (and the remainder of Robinson and the cited references), there is no indication, implicit or explicit, for copying an object from one place in the customized tree to another place in the customized tree. Instead, the cited portion merely describes selecting records from a selection categorization table and placing the selected records into a

retrieval categorization table (i.e., a customized table). The various selected records can be switched back and forth between the selection categorization table and the retrieval categorization table. However, there is no indication that records in the retrieval categorization table can be copied and placed in an additional second position in the retrieval categorization table.

In addition, an electronic search of Robinson for the term "copy" provides no results whatsoever. Appellants assert that without even mentioning the word "copy", Robinson cannot possibly teach copying an object from a first position in a customized tree to a second position in the customized tree as claimed.

In view of the above, Appellants submit that these claims are allowable over the cited references.

G. Claims 17, 38, and 59 are Patentable over the Cited Art

These claims depend on claim 15 that provides for customized labels for objects in the customized tree. Claims 17, 38, and 59 add the further limitation that each label is an indicator of a filter.

The final Office Action rejects these claims by relying on Robinson, col. 10, lines 1-4 that provides:

FIG. 7 shows the record categorization levels available in this particular example. Namely, these levels include a particular medium, market, unit size applicable to the medium, and demographic population associated with a price and rating table ("PART") data record that may be found in a data base. Such information is attained upon designating the data base by doing a query on predefined keys. One implementation uses predefined "alias" that are defined in the database to the proper keys so that the browser may be generically implemented and databases may be easily modified to allow the browser access thereto. The PART information is used by media planners as part of an advertising campaign for a particular product or service.

This text merely describes different icons for various record categorization levels. However, there is no indication, suggestion, or description, implicit or explicit, that a filter exists or that each label indicates such a filter.

As described above, Robinson fails to teach a filter as claimed. In this regard, the final Office Action admits the lack of such a teaching and relies on Corugno to teach the filter limitations. However, in rejecting these claims, the Office Action now appears to allege that Robinson teaches a filter and teaches a label indicating such a filter. In this regard, the Office Action is illogical and

inconsistent. The mere teaching of different labels is reflected in claims 15, 36, and 57. Dependent claims 17, 38, and 59 further restrict the claims by stating the labels indicate a filter. No such teaching is present nor may it be inferred from Robinson's disclosure.

IX. Conclusion

In light of the above arguments, Appellants respectfully submit that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellants' claims recite novel physical features which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103. As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,

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APPENDIX

1. A method of creating a customized tree in a computer from an original tree containing objects from a data storage device connected to the computer, the method comprising:
creating a filter in response to user input, wherein the filter specifies a selection criteria to select objects to be contained within a selected object on the customized tree;
saving the filter and the specified selection criteria;
selecting one or more objects on the original tree to be contained in the customized tree in response to user input by applying the filter, wherein the one or more objects are located in disparate places across different branches of the original tree;
linking the selected objects from the disparate places to each other in the customized tree in a user-specified manner; and
defining security restrictions for accessing the selected objects using the customized tree.
2. (CANCELED)
3. The method of claim 1, wherein the step of applying the filter further comprises the step of selecting objects from multiple parent objects.
4. The method of claim 3, wherein the multiple parent objects are contained on multiple platforms.
5. The method of claim 1, wherein if the objects to be selected by the filter change, the customized tree is automatically updated to reflect the changed objects.
6. The method of claim 1, further comprising the step of modifying the customized tree.
7. The method of claim 6, wherein the step of modifying further comprises the step of adding an object to the customized tree.

8. The method of claim 6, wherein the step of modifying further comprises the step of removing an object of the customized tree.
9. The method of claim 6, wherein the step of modifying further comprises the step of copying an object into the customized tree.
10. The method of claim 6, wherein the step of modifying further comprises the step of copying an object from a first position in the customized tree to a second position in the customized tree.
11. The method of claim 6, wherein the step of modifying further comprises the step of removing the customized tree.
12. The method of claim 6, wherein the step of modifying further comprises the step of changing an object.
13. The method of claim 1, further comprising the step of using the customized tree to simultaneously perform an action on multiple objects contained in the customized tree.
14. The method of claim 1, further comprising the step of restricting access to the customized tree.
15. The method of claim 1, further comprising the step of enabling customization of labels for objects in the customized tree.
16. The method of claim 15, wherein each label distinguishes between different objects of a similar type.
17. The method of claim 15, wherein each label is an indicator of a filter.

18. The method of claim 1, further comprising the step of providing graphical user interfaces for creating the customized tree and wherein the user input is received from one or more graphical user interfaces.

19. The method of claim 1, wherein the customized tree contains a subset of the objects of the original tree.

20. The method of claim 1, wherein the objects of the customized tree are organized in a user-specified manner.

21. The method of claim 1, further comprising the step of creating multiple customized trees.

22. An apparatus for creating a customized tree in a computer, the apparatus comprising: a computer having a data storage device connected thereto, wherein the data storage device stores objects contained in an original tree; and

one or more computer programs for creating a filter in response to user input, wherein the filter specifies a selection criteria to select objects to be contained within a selected object on the customized tree, saving the filter and the specified selection criteria, selecting the object on the original tree to be contained in the customized tree in response to user input by applying the filter, wherein the one or more objects are located in disparate places across different branches of the original tree, linking the selected objects from the disparate places to each other in the customized tree in a user-specified manner, and defining security restrictions for accessing the selected objects using the customized tree.

23. (CANCELED)

24. The apparatus of claim 22, wherein the means for applying the filter further comprises the means for selecting objects from multiple parent objects.

25. The apparatus of claim 24, wherein the multiple parent objects are contained on multiple platforms.
26. The apparatus of claim 22, wherein if the objects to be selected by the filter change, the customized tree is automatically updated to reflect the changed objects.
27. The apparatus of claim 22, further comprising means for modifying the customized tree.
28. The apparatus of claim 27, wherein the means for modifying further comprises means for adding an object to the customized tree.
29. The apparatus of claim 27, wherein the means for modifying further comprises means for removing an object of the customized tree.
30. The apparatus of claim 27, wherein the means for modifying further comprises means for copying an object into the customized tree.
31. The apparatus of claim 27, wherein the means for modifying further comprises means for copying an object from a first position in the customized tree to a second position in the customized tree.
32. The apparatus of claim 27, wherein the means for modifying further comprises means for removing the customized tree.
33. The apparatus of claim 27, wherein the means for modifying further comprises means for changing an object.
34. The apparatus of claim 22, further comprising means for using the customized tree to simultaneously perform an action on multiple objects contained in the customized tree.

35. The apparatus of claim 22, further comprising means for restricting access to the customized tree.

36. The apparatus of claim 22, further comprising means for enabling customization of labels for objects in the customized tree.

37. The apparatus of claim 36, wherein each label distinguishes between different objects of a similar type.

38. The apparatus of claim 36, wherein each label is an indicator of a filter.

39. The apparatus of claim 22, further comprising means for providing graphical user interfaces for creating the customized tree and wherein the user input is received from one or more graphical user interfaces.

40. The apparatus of claim 22, wherein the customized tree contains a subset of the objects of the original tree.

41. The apparatus of claim 22, wherein the objects of the customized tree are organized in a user-specified manner.

42. The apparatus of claim 22, further comprising means for creating multiple customized trees.

43. An article of manufacture comprising a computer program carrier readable by a computer and embodying one or more instructions executable by the computer to perform method steps for creating a customized tree from an original tree containing objects from a data storage device connected to the computer, the method comprising the steps of:

creating a filter in response to user input, wherein the filter specifies a selection criteria to select objects to be contained within a selected object on the customized tree;

saving the filter and the specified selection criteria;

selecting one or more objects on the original tree to be contained in the customized tree in response to user input by applying the filter, wherein the one or more objects are located in disparate places across different branches of the original tree;

linking the selected objects from the disparate places to each other in the customized tree in a user-specified manner, and

defining security restrictions for accessing the objects using the customized tree.

44. (CANCELED)

45. The article of manufacture of claim 43, wherein the step of applying the filter further comprises the step of selecting objects from multiple parent objects.

46. The article of manufacture of claim 45, wherein the multiple parent objects are contained on multiple platforms.

47. The article of manufacture of claim 43, wherein if the objects to be selected by the filter change, the customized tree is automatically updated to reflect the changed objects.

48. The article of manufacture of claim 43, further comprising the step of modifying the customized tree.

49. The article of manufacture of claim 48, wherein the step of modifying further comprises the step of adding an object to the customized tree.

50. The article of manufacture of claim 48, wherein the step of modifying further comprises the step of removing an object of the customized tree.

51. The article of manufacture of claim 48, wherein the step of modifying further comprises the step of copying an object into the customized tree.

52. The article of manufacture of claim 48, wherein the step of modifying further comprises the step of copying an object from a first position in the customized tree to a second position in the customized tree.

53. The article of manufacture of claim 48, wherein the step of modifying further comprises the step of removing the customized tree.

54. The article of manufacture of claim 48, wherein the step of modifying further comprises the step of changing an object.

55. The article of manufacture of claim 43, further comprising the step of using the customized tree to simultaneously perform an action on multiple objects contained in the customized tree.

56. The article of manufacture of claim 43, further comprising the step of restricting access to the customized tree.

57. The article of manufacture of claim 43, further comprising the step of enabling customization of labels for objects in the customized tree.

58. The article of manufacture of claim 57, wherein each label distinguishes between different objects of a similar type.

59. The article of manufacture of claim 57, wherein each label is an indicator of a filter.

60. The article of manufacture of claim 43, further comprising the step of providing graphical user interfaces for creating the customized tree and wherein the user input is received from one or more graphical user interfaces.

61. The article of manufacture of claim 43, wherein the customized tree contains a subset of the objects of the original tree.

62. The article of manufacture of claim 43, wherein the objects of the customized tree are organized in a user-specified manner.

63. The article of manufacture of claim 43, further comprising the step of creating multiple customized trees.

64. A method of creating a customized tree in a computer from an original tree containing objects from a data storage device connected to the computer, the method comprising:
selecting one or more objects on the original tree to be contained in the customized tree in response to user input;

creating a filter for the selected object in response to user input, wherein the filter comprises user specified filter criteria, a user specified comparator operator, and a user-specified comparison value, wherein the user-specified comparator operator specifies how the user-specified filter criteria is compared with the user-specified comparison value, to determine objects to be contained within the selected object on the customized tree;

applying the filter to create the customized tree with the selected object and the objects to be contained within the selected object; and

linking the selected objects in a user-specified manner.

65. The method of claim 64, wherein the step of applying the filter further comprises selecting objects from multiple parent objects.

66. The method of claim 64, wherein if the objects to be selected by the filter change, the customized tree is automatically updated to reflect the changed objects.

67. The method of claim 64, further comprising modifying the customized tree.

68. The method of claim 67, wherein the modifying comprises adding an object to the customized tree.

69. The method of claim 67, wherein the modifying comprises removing an object of the customized tree.
70. The method of claim 67, wherein the modifying comprises copying an object into the customized tree.
71. The method of claim 67, wherein the modifying comprises copying an object from a first position in the customized tree to a second position in the customized tree.
72. The method of claim 67, wherein the modifying comprises removing the customized tree.
73. The method of claim 67, wherein the modifying comprises changing an object.
74. The method of claim 64, further comprising using the customized tree to simultaneously perform an action on multiple objects contained in the customized tree.
75. The method of claim 64, further comprising restricting access to the customized tree.
76. The method of claim 64, further comprising enabling customization of labels for objects in the customized tree.
77. The method of claim 64, further comprising providing graphical user interfaces for creating the customized tree and wherein the user input is received from one or more graphical user interfaces.
78. An apparatus for creating a customized tree in a computer, the apparatus comprising:
a computer having a data storage device connected thereto, wherein the data storage device stores objects contained in an original tree;
one or more computer programs, executed by the computer, for selecting an object on the original tree to be contained in the customized tree in response to user input;

one or more computer programs, executed by the computer, for creating a filter for the selected object in response to user input, wherein the filter comprises user specified filter criteria, a user specified comparator operator, and a user-specified comparison value, wherein the user-specified comparator operator specifies how the user-specified filter criteria is compared with the user-specified comparison value, to determine objects to be contained within the selected object on the customized tree;

one or more computer programs, executed by the computer, for applying the filter to create the customized tree with the selected object and the objects to be contained within the selected object; and

one or more computer programs, executed by the computer, for linking the selected objects in a user-specified manner;

79. The apparatus of claim 78, wherein the one or more computer programs for applying the filter are configured to select the objects from multiple parent objects.

80. The apparatus of claim 78, wherein if the objects to be selected by the filter change, the customized tree is automatically updated to reflect the changed objects.

81. The apparatus of claim 78, further comprising one or more computer programs for modifying the customized tree.

82. The apparatus of claim 81, wherein the one or more computer programs for modifying are configured to add an object to the customized tree.

83. The apparatus of claim 81, wherein the one or more computer programs for modifying are configured to remove an object of the customized tree.

84. The apparatus of claim 81, wherein the one or more computer programs for modifying are configured to copy an object into the customized tree.

85. The apparatus of claim 81, wherein the one or more computer programs for modifying are configured to copy an object from a first position in the customized tree to a second position in the customized tree.

86. The apparatus of claim 81, wherein one or more computer programs for modifying are configured to remove the customized tree.

87. The apparatus of claim 81, wherein one or more computer programs for modifying are configured to change an object.

88. The apparatus of claim 78, further comprising one or more computer programs for using the customized tree to simultaneously perform an action on multiple objects contained in the customized tree.

89. The apparatus of claim 78, further comprising one or more computer programs for restricting access to the customized tree.

90. The apparatus of claim 78, further comprising one or more computer programs for enabling customization of labels for objects in the customized tree.

91. The apparatus of claim 78, further comprising one or more computer programs for providing graphical user interfaces for creating the customized tree and wherein the user input is received from one or more graphical user interfaces.

92. An article of manufacture comprising a computer program carrier readable by a computer and embodying one or more instructions executable by the computer to perform a method for creating a customized tree from an original tree containing objects from a data storage device connected to the computer, the method comprising:

selecting one or more objects on the original tree to be contained in the customized tree in response to user input;

creating a filter for the selected object in response to user input, wherein the filter comprises user specified filter criteria, a user specified comparator operator, and a user-specified comparison value, wherein the user-specified comparator operator specifies how the user-specified filter criteria is compared with the user-specified comparison value, to determine objects to be contained within the selected object on the customized tree;

applying the filter to create the customized tree with the selected object and the objects to be contained within the selected object; and

linking the selected objects in a user-specified manner.

93. The article of manufacture of claim 92, wherein applying the filter comprises selecting objects from multiple parent objects.

94. The article of manufacture of claim 92, wherein if the objects to be selected by the filter change, the customized tree is automatically updated to reflect the changed objects.

95. The article of manufacture of claim 92, wherein the method further comprises modifying the customized tree.

96. The article of manufacture of claim 95, wherein the modifying comprises adding an object to the customized tree.

97. The article of manufacture of claim 95, wherein the modifying comprises removing an object of the customized tree.

98. The article of manufacture of claim 95, wherein the modifying comprises copying an object into the customized tree.

99. The article of manufacture of claim 95, wherein the modifying comprises copying an object from a first position in the customized tree to a second position in the customized tree.

100. The article of manufacture of claim 95, wherein the modifying comprises removing the customized tree.

101. The article of manufacture of claim 95, wherein the modifying comprises changing an object.

102. The article of manufacture of claim 92, wherein the method further comprises using the customized tree to simultaneously perform an action on multiple objects contained in the customized tree.

103. The article of manufacture of claim 92, wherein the method further comprises restricting access to the customized tree.

104. The article of manufacture of claim 92, wherein the method further comprises enabling customization of labels for objects in the customized tree.

105. The article of manufacture of claim 92, wherein the method further comprises providing graphical user interfaces for creating the customized tree and wherein the user input is received from one or more graphical user interfaces.